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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,110	09/22/2000	Mark E. Kriegsman	CLE-101	9580
26161	7590	07/18/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			BAYARD, DJENANE M	
			ART UNIT	PAPER NUMBER

2141

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/668,110

Applicant(s)

KRIEGSMAN ET AL.

Examiner

Djenane M. Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This is in response to communication filed on 3/31/06 in which claims 1-17 and 19-28 are pending.

#### ***Response to Amendment***

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-17 and 19-28 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 8-10, 13, 19-23 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2004/0230747 to Ims et al.

- a. As per claims 1 and 19, Ims et al teaches a method for enabling the generation of an updated web-page for storage in one of a plurality of cache servers said method comprising:

implementing programmable rule executing on each of the plurality of cache servers, each programmable rule defining a triggering event associated with its corresponding cache server (See page 4 paragraph [0047-0050], pages 7 and 8, paragraph [0072]), the occurrence of the triggering event being indicative of the existence of an obsolete portion of said web-page stored in said corresponding cache server (See page 8, paragraph [0074-0075], page 10, paragraph [0088]) ; detecting an occurrence of a triggering event at a particular cache server selected from the plurality of cache servers; in response to the occurrence of said triggering event, causing said particular cache server to request an update of a corresponding obsolete portion; and receiving an updated portion of said web-page for storage at said particular cache server (See page 9, paragraph [0081], page 10, paragraph [0089]).

b. As per claim 13, Ims et al teaches a web-serving system comprising: a plurality cache servers having a corresponding cache memory and a cache manager in communication with said corresponding cache memory for controlling said content of said corresponding cache memory (See page 4, paragraph [0047-0050], page 7, paragraph [0071] and page 8, paragraph [0077]), said cache manager being configured to execute a programmable script, said script being configured for detecting the occurrence of a triggering event (See page 8, paragraph [0074]), and in response to detection of said triggering event, causing said cache manager to request and update of said content said cache memory (See page 8, paragraph [0077]).

c. As per claims 2 and 20, Ims et al teaches generating a web-page incorporating said updated portion therein and serving said web-page to a user (See page 1, paragraph [0006], page 5, paragraph [0053]).

d. As per claims 3 and 21, Ims et al teaches wherein implementing said programmable rule comprises interpreting a script containing instructions for defining a rule (See page 9, paragraph [0081-0082]).

e. As per claims 4 and 22, Ims et al teaches the claimed invention as described above. Furthermore, Ims et al fails to teach wherein detecting said triggering event comprises detecting an elapsed time defined by said programmable rule (See page 7, paragraph [0072])

f. As per claims 5 and 23, Ims et al teaches wherein detecting said triggering event comprises detecting the receipt of an updated portion of said web-page (See page 9, paragraph [0081-0082]).

g. As per claims 8 and 26, Ims et al teaches wherein causing said particular cache-server to request an update comprises establishing communication with an origin server and causing said particular cache server to request said update therefrom, and receiving an updated portion comprises receiving said updated portion from said origin server (See page 8, paragraph [0074])

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h. As per claim 9, Ims et al teaches wherein comprising a cache memory element separate from said origin server (See page 8, paragraph [0074]).

i. As per claim 10, Challenger et al teaches comprising a cache memory element at said origin server (See page 8, paragraph [0074]).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2004/0230747 to Ims et al in view of U.S. Patent No. 6,337,696 to Nashed.

a. As per claims 6 and 24, Ims et al teaches the claimed invention as described above. However, Ims et al fails to teach wherein requesting an updated portion of said web-page comprises formulating a database query to be carried out by a database engine.

Nashed teaches a method and system for searching indexed information databases with automatic user registration via a communication network. Furthermore, Nashed teaches wherein

requesting an updated portion of said web-page comprises formulating a database query to be carried out by a database engine (See col. 9, lines 11-17)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein requesting an updated portion of said web-page comprises formulating a database query to be carried out by a database engine as taught by Nashed in the claimed invention of Ims et al in order to provide the new web page (See col. 9, line 18).

8. Claims 7, 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent U.S. Patent No. 2004/0230747 to Ims et al in view of U.S. Patent No. 6,449,636 to Kredo et al.

a. As per claims 7, 17 and 25, Ims et al teaches the claimed invention as described above. However, Ims et al fails to teach wherein said web-page comprises, in addition to said updated portion, a plurality of constituent portions and said method further comprises providing an assembly script containing instructions for assembling said constituent portions and said updated portion into said web-page.

Kredo et al teaches a system and method for creating a dynamic data file from collected and filtered web pages. Furthermore, Kredo et al teaches wherein said web-page comprises, in addition to said updated portion, a plurality of constituent portions and said method further comprises providing an assembly script containing instructions for assembling said constituent portions and said updated portion into said web-page (See col. 4, lines 15-19)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate said web-page comprises, in addition to said updated portion, a plurality of constituent portions and said method further comprises providing an assembly script containing instructions for assembling said constituent portions and said updated portion into said web-page as taught by Kredo et al in the claimed invention of Ims et al in order to extract information and incorporate the extracted information in a single web page (See col. 1, lines 18-20).

9. Claims 11-12, 14-15 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2004/0230747 to Ims et al et al in view of U.S. Patent No. 6,633,874 to Nusbickel.

a. As per claims 11, 14 and 27, Challenger teaches the claimed invention as described above. However, Challenger et al fails to teach wherein collecting access-data indicative of how frequently said web-page is requested.

Nusbickel teaches a method for improving the performance of a web service by caching the most popular (real-time) information. Furthermore, Nusbickel teaches collecting access-data indicative of how frequently said web-page is requested (See col. 4, lines 51-56)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate collecting access-data indicative of how frequently said web-page is requested as taught by Nusbickel in the claimed invention of Challenger et al in order to update



the list stored in the database of most popular headings to cache based on access count information (See col. 4, lines 59-61).

b. As per claim 12 and 28, Ims et al teaches the claimed invention as described above. However, Ims et al fails to teach managing the content of caches in said cache servers in response to said access-data.

Nusbickel teaches a method for improving the performance of a web service by caching the most popular (real-time) information. Furthermore, Nusbickel teaches managing the content of caches in said cache servers in response to said access-data (See abstract, lines 8-10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate managing the content of said cache in response to said access-data as taught by Nusbickel in the claimed invention of Ims et al in order to keep the most commonly access information in cache (See col. 1, line 60).

c. As per claim 15, Ims et al teaches the claimed invention as described above. However, Ims et al teaches fails to teach wherein said usage-monitor provides said access data to said programmable script, and said programmable script alters said content of said cache memory in response to said access-data.

Nusbickel teaches a method for improving the performance of a web service by caching the most popular (real-time) information. Furthermore, Nusbickel teaches wherein said usage-monitor provides said access data to said programmable script (See col. 4, lines 51-56) and said

programmable script alters said content of said cache memory in response to said access-data (See col. 3, lines 60-64 and See col. 2, lines 21-24).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate teach wherein said usage-monitor provides said access data to said programmable script, and said programmable script alters said content of said cache memory in response to said access-data as taught by Nusbickel in the claimed invention of Ims et al in order to return information to the end-user the quickest way (See col. 1, lines 44-45).

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2004/0230747 to Ims et al in view of U.S. Patent No. 6,539,538 to Brewster et al.

a. As per claim 16, Ims et al teaches the claimed invention as described above. However, Ims et al fails to teach a communication path between said programmable script and an administrator process, said communication path enabling said programmable script to receive instructions from said administrator process.

Brewster et al teaches an intelligent information routing system and method. Furthermore, Brewster et al teaches a communication path between said programmable script and an administrator process, said communication path enabling said programmable script to receive instructions from said administrator process (See col. 5, lines 28-31).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a communication path between said programmable script and an administrator process, said communication path enabling said programmable script to receive

instructions from said administrator process as taught by Brewster et al in the claimed invention of Ims et al in order to download new scripts to the script interpreter engine. (See col. 5, lines 31-32)

*Conclusion*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

Patent Examiner

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER